

REMARKS

In the Office Action mailed March 11, 2008, claims 82, 83, 85-94, 97, and 99-101 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,188,627 (“the Nelson et al. reference”) in view of U.S. Patent No. 6,523,543 (“the Conrad et al. reference”). In addition, claims 52-55, 66-68, 70-78, 80, 81, 98, and 102-107 were rejected under 35 U.S.C. § 103(a) as obvious over the Nelson et al. reference.

Because the cited reference does not qualify as prior art against the present applications, the rejections should be withdrawn.

The present application claims benefit of two provisional applications, 60/436,945 (“the ‘945 provisional”) and 60/437,058 (“the ‘058 provisional”), both filed December 30, 2002. The present claims are fully supported by the provisional applications, e.g., in FIGS. 1, 3, 4a-6c, 8f, and 8g and related description in the ‘945 provisional, and in FIGS. 1, 2a-4c, 6f, and 6g and related description in the ‘058 provisional.

In contrast, the Nelson et al. reference was filed on September 6, 2003, and claims the benefit of two provisional applications filed on January 22, 2003 and March 20, 2003, all of which are after the effective priority date of the present application. Thus, based on its own filing date and the priority of these provisional applications (assuming that they even support the subject matter from the Nelson et al. reference, which Applicants do not concede), the Nelson et al. reference does not qualify as prior art against the application.

The Nelson et al. reference also claims to be a continuation-in-part of Serial No. 10/236,455, filed September 6, 2002 (now U.S. Patent No. 7,216,648, “the Nelson ‘648

reference"). Thus, the only way the Nelson et al. reference could possibly qualify as prior art is if the subject matter identified in the Office Action was disclosed in the Nelson '648 reference.

The Office Action relies upon the embodiments shown in and described with reference to FIGS. 7A and 7B of the Nelson et al. reference. However, these embodiments are neither shown nor described in the Nelson '648 reference. Thus, the Nelson et al. reference cannot rely on the filing date of the Nelson '648 reference for priority for the subject matter of FIGS. 7A and 7B.

Accordingly, for these reasons, the Nelson et al. reference does not qualify as prior art against the present claims and the rejections based on this reference should be withdrawn.

In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application is requested.

Applicants hereby request a one month extension of time.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: July 11, 2008

By _____ /William a. English/
William A. English
Reg. No. 42,515
Attorneys for Applicants

2040 Main Street, 9th Floor
Irvine, CA 92614
Telephone: (562) 665-3953
Facsimile: (949) 625-8955